

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

FRANCES J. JONES,

Plaintiff,

v.

**CAROLYN W. COLVIN,
Commissioner of Social Security,**

Defendant.

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No. 3:13-cv-01015

Judge Nixon

Magistrate Judge Bryant

ORDER

Pending before the Court is Plaintiff Frances J. Jones's Motion for Attorney Fees Under [sic] Equal Access to Justice Act, 28 U.S.C. § 2412 ("Motion") (Doc. No. 21), filed with a Memorandum in Support (Doc. No. 22), a declaration of Plaintiff's attorney (Doc. No. 22-1), and a Statement of Understanding signed by Plaintiff (Doc. No. 22-2). Plaintiff's counsel seeks \$2,423.00¹ in attorney's fees, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (d)(1)(A) . (Doc. No. 22 at 5.) Defendant Commissioner of Social Security filed a Response to the Motion, stating she has no objection to Mr. Bryant's request. (Doc. No. 26.)

Under the EAJA, a prevailing party in litigation against the United States may seek attorney's fees, so long as the party files for the fees within thirty days of the final judgment. 28 U.S.C. § 2412(d)(1)(A)–(B) (2012). In social security cases, a sentence of remand to the Commissioner by the court constitutes a victory for the plaintiff, such that he or she may seek attorney's fees under the EAJA. *Shalala v. Schaefer*, 509 U.S. 292, 301 (1993).

¹ The Court notes there is a disparity in the amount of fees requested in Plaintiff's Motion (\$2,434.00) and her supporting Memorandum (\$2,423.00). (See Doc. Nos. 21 at 1; 22 at 5.) Based on the calculations in her Memorandum, the Court finds \$2,423.00 to be the appropriate award.

Here, on April 11, 2014, the Court reversed a decision of the Administrative Law Judge denying benefits to Plaintiff and remanded the case to the Commissioner for further proceedings. (Doc. No. 20.) Plaintiff filed the instant Motion on May 10, 2014. (Doc. No. 21.) Plaintiff's attorney requests \$2,423.00 in fees, based on 12.2 hours of work at a rate of \$179.00 per hour as well as 5.2 hours of paralegal time at a rate of \$46.00 per hour. (Doc. No. 22 at 5.) The Commissioner does not object to the award and states that the award will be paid directly to Plaintiff. (Doc. No. 23 at 1.)

The Court finds that \$2,423.00 is a reasonable award for the work performed by Plaintiff's counsel. Accordingly, the Motion (Doc. No. 21) is **GRANTED**.

It is so ORDERED.

Entered this the 28th day of May, 2014.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT